

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

ROBERT LEO BREEDEN,
Petitioner,

v.

**CIVIL ACTION NO. 3:05CV67
CRIMINAL ACTION NO. 3:00-CR-57-7
(BROADWATER)**

UNITED STATES OF AMERICA,
Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated September 26, 2005. The petitioner did not file objections to the Report. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation (**Docket # 1126**) should be and is hereby **ORDERED** adopted.

The Court thus **ORDERS**

- 1) petitioner's petition (**Docket # 1095**) is **DENIED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation;
- 2) petitioner's motion pursuant to Title 28 United States Code Section 2241 (**Docket # 1114**) is **DENIED WITH PREJUDICE**; and
- 4) this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner, counsel of record herein, and the Honorable James E. Seibert.

DATED this 27th day of December, 2005.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE